

May 9, 1977

LB 114

SENATOR CHAMBERS: Thank you. Senator Simon, would you dialogue with me?

SENATOR SIMON: Certainly, Senator Chambers.

SENATOR CHAMBERS: Senator Simon, you have an either/or penalty. I'm not even going to deal with the handicapped person right now. But, if the handicapped person is poor and can not pay the fine, what is mandated in your amendment?

SENATOR SIMON: If the handicapped? Well, they would have to pay the fine then I would presume.

SENATOR CHAMBER: If they can't pay the fine?

SENATOR SIMON: Then they would have to go to jail.

SENATOR CHAMBERS: Well suppose we have Senator Marsh's paraplegic and you want that person in jail for thirty days?

SENATOR SIMON: What would you suggest, Senator Chambers?

SENATOR CHAMBERS: Kill the bill. Now, I want to ask you something else. You did not specify that the physical handicapped had to have any relationship to the person's ability to pick up trash. So, that would mean a plea of a physical handicap would prevent this penalty as you have drafted your amendment from coming into operation.

SENATOR SIMON: No, I don't believe so.

SENATOR CHAMBERS: So, what would you consider a physical handicap to be, because you didn't specify in your amendment.

SENATOR SIMON: Well I could have written the criteria that they be paralyzed from the waist up or the waist down or whatever, but I'm allowing the judge the discretion to make that decision, Senator Chambers.

SENATOR CHAMBERS: You feel that the legislature should use a broad opened statement like "handicapped" and then let a judge determine what that means?

SENATOR SIMON: I think that it is a reasonable intent for the legislature to let the judges know what the general feeling was on the floor, yes.

SENATOR CHAMBERS: Alright, you say handicap or liability what does the liability mean? This is for the record. What do you mean by that when you put that word in there?

SENATOR SIMON: I'll be damned if I remember.

SENATOR CHAMBERS: Well I'll be.....Senator Hefner didn't hear that. Come on, tell everybody, don't whisper it to me. What did you mean by liability?

SENATOR SIMON: I didn't say a thing for the record, Senator Chambers.

SENATOR CHAMBERS: Well let's say it for the record. What did you mean by liability when.....

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